

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

JOSEPH KENT,

Plaintiff,

v.

POOLTOGETHER, INC.; DHARMA LABS,
INC.; OZONE NETWORKS, INC.;
LEIGHTON CUSACK; KAIN WARWICK;
STANISLAV KULECHOV; DRAGONFLY
DIGITAL MANAGEMENT, LLC;
NASCENT US, LLC; NASCENT LIMITED
PARTNERSHIP; STICHTING MAVEN 11
FUNDS; GALAXY DIGITAL TRADING
HK LIMITED, LP; PARAFI CAPITAL, LP;
and COMPOUND LABS, INC.,

Defendants.

Case No. 21-cv-6025-FB-CLP

**NOTICE OF MOTION (1) TO COMPEL ARBITRATION, OR ALTERNATIVELY, (2)
TO DISMISS PLAINTIFF’S SECOND AMENDED COMPLAINT, OR
ALTERNATIVELY, (3) TO STRIKE PLAINTIFF’S CLASS ALLEGATIONS**

PLEASE TAKE NOTICE that Defendant PoolTogether Inc., by and through undersigned counsel, respectfully moves to compel arbitration of the claim asserted against Defendant in Plaintiff Joseph Kent’s Second Amended Complaint (“SAC”), Dkt. No. 63, under the Federal Arbitration Act, 9 U.S.C. § 1 *et seq.*; or alternatively to dismiss Plaintiff’s SAC for lack of Article III standing under Federal Rule of Civil Procedure 12(b)(1); or alternatively to dismiss Plaintiff’s SAC for failure to state a claim under Rule 12(b)(6); or alternatively to strike Plaintiff’s class action allegations under Rule 12(f).

In support of this motion, Defendant submits the accompanying Memorandum of Law and declarations and evidence in support thereof.

DATED: April 19, 2022

PAUL HASTINGS LLP

By: /s/ Kevin P. Broughel
KEVIN P. BROUGHEL

KEVIN P. BROUGHEL
kevinbroughel@paulhastings.com
200 Park Avenue
New York, NY 10166
Telephone: 1(212) 318-6000
Facsimile: 1(212) 319-4090

BEHNAM DAYANIM (*pro hac vice*)
bdayanim@paulhastings.com
2050 M Street NW
Washington, DC 20036
Telephone: 1(202) 551-1737
Facsimile: 1(202) 551-0237

ANDY LEGOLVAN (*pro hac vice*)
andylegolvan@paulhastings.com
4747 Executive Drive, 12th Floor
San Diego, CA 92121
Telephone: 1(858) 458-3006
Facsimile: 1(858) 458-3005

Attorneys for Defendant
POOLTOGETHER INC.